

DECLARATION FOR PATENT APPLICATION

As a below named inventor(s), I hereby declare that:

My residence, mailing address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

"COST-BASED OPTIMIZER FOR AN XML DATA REPOSITORY WITHIN A DATABASE"

the specification of which

 X is attached hereto.
 _____ was filed on _____ as
 United States Application Number _____,
 or PCT International Application Number _____,
 and was amended on _____
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), on any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u> Yes </u>	<u> No </u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u> Yes </u>	<u> No </u>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<u> Yes </u>	<u> No </u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

EXPRESS MAIL NO. EV322193005US

Full Name of Sole/First Inventor (given name, family name) FEI GE
Inventor's Signature [Signature] Date 4/19/2004
Residence Palo Alto FG
San Jose, California USA Citizenship China
(City, State) (Country)
4267 Los Palos Ave. Palo Alto, CA 94306 USA
Mailing Address 5536 Oak Park Drive, San Jose, CA 95129 USA FG

Full Name of Second Inventor (given name, family name) SIVASANKARAN CHANDRASEKAR
Inventor's Signature S. Chandan Date 4/12/2004
Residence Palo Alto, California USA Citizenship India
(City, State) (Country)
Mailing Address 540 Everett Avenue, Palo Alto, CA 94301 USA

Full Name of Third Inventor (given name, family name) NIPUN AGARWAL
Inventor's Signature [Signature] Date 4/20/2004
Residence Santa Clara, California USA Citizenship India USA
(City, State) (Country) [Signature]
Mailing Address 4768 Cheeney Street, Santa Clara, CA 95054 USA

Full Name of Fourth Inventor (given name, family name) RAVI MURTHY
Inventor's Signature Ravi Murthy Date 4/19/2004
Residence Fremont, California USA Citizenship India
(City, State) (Country)
Mailing Address 33227 Jamie Circle, Fremont, CA 94555 USA

Full Name of Fifth Inventor (given name, family name) ERIC SEDLAR
Inventor's Signature [Signature] Date 4/20/2004
Residence San Francisco, California USA Citizenship USA
(City, State) (Country)
Mailing Address 4270 Cesar Chavez Street, San Francisco, CA 94131 USA

Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Docket No. 50277-2433
(OID 2003-333-01)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FEI GE, et al.

Serial No.: Not Yet Assigned

Filed on:

Confirmation No.:

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Group Art Unit No.:

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Examiner:

Not Yet Assigned

For: COST-BASED OPTIMIZER FOR AN XML DATA REPOSITORY WITHIN A
DATABASE

POWER OF ATTORNEY
AND REVOCATION OF PREVIOUS POWERS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Oracle International Corporation, a California corporation having a place of business at 500 Oracle Parkway, M/S 50P7, Redwood Shores, California 94065, certifies that to the best of its knowledge and belief it is the assignee or is entitled to ownership of the entire right, title, and interest in and to the above-referenced patent application by virtue of an Assignment filed concurrently herewith and represents that the undersigned is a representative authorized and empowered to sign on behalf of Oracle International Corporation, which hereby revokes all powers of attorney previously given and appoints the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Marcel K. Bingham, Reg. No. 42,327; Brian D. Hickman, Reg. No. 35,894; Christopher J. Palermo, Reg. No. 42,056; Bobby K. Truong, Reg. No. 37,499; Craig G. Holmes, Reg. No. 44,770, John D. Henkhaus, Reg. No. 42,656, Christian A. Nicholes, Reg. No. 50,266, Christopher J. Brokaw, Reg. No. 45,620, David Lewis, Reg. No. 33,101, Michael J. Meehan, Reg. No. 54,705, Paul A. Durdik, Reg. No. 37,819, and Kirk D. Wong, Reg. No. 43,284, all of:

HICKMAN PALERMO TRUONG & BECKER LLP
1600 Willow Street
San Jose, California 95125-5106

and

Sanjay Prasad, Reg. No. 36,247; Michael A. Gelblum, Reg. No. P-55,971, Roger Kennedy, Reg. No. 44,823; Gabriela Buttz, Reg. No. 50,246, and Pavel Pogodin, Reg. No. 48,205, of ORACLE INTERNATIONAL CORPORATION with full power of substitution and

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revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Send all future correspondence to the attention of Brian D. Hickman, Reg. No. 35,894, care of the above address and direct all telephone calls to the same at (408) 414-1080.

Assignee of Interest:

Oracle International Corporation

Dated: 4/20/2004

By: Michael Gelblum

Name: Michael Gelblum

Title: Patent Counsel

Address of Assignee of Interest:

Oracle International Corporation

500 Oracle Parkway - M/S 50P7

Redwood Shores, CA 94065